



02 OCT 2002

Foley & Lardner  
Washington Harbour  
3000 K Street, NW  
Washington, DC 20007

In re Application of	:	
Murdin et al.	:	
Application No.: 09/830,446	:	DECISION
PCT No.: PCT/CA99/00992	:	
Int. Filing Date: 28 October 1999	:	UNDER
Priority Date: 28 October 1998	:	
Attorney Docket No.: 032931/0251	:	37 CFR 1.497(d)
For: Chlamydia Antigens And Corresponding	:	
DNA Fragments And Uses Thereof	:	

This is a decision on applicants' "Request For Correction Of Inventorship Pursuant To 35 USC § 116 And 37 CFR § 1.48(a) And/Or 1.497" filed on 28 May 2002.

### **BACKGROUND**

On 28 October 1999, the present international application was filed with three applicants/inventors for the purposes of the United States: Andrew D. MURDIN, Raymond P. OOMEN and Joe WANG.

In response to a Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 24 May 2001, applicants filed on 24 September 2001 a Combined Declaration and Power of Attorney executed by Andrew Murdin, Raymond Oomen and Joe Wang, the three applicants/inventors named in the published international application, and by Pamela DUNN, who is indicated to be a joint inventor in the present application.

A communication was mailed on 26 April 2002, informing applicants that the declaration filed on 24 September 2001 was not in compliance with 37 CFR 1.497(a) because it did not identify the same inventive entity as was identified in the international phase and because it was amended by inventor Murdin after execution. Applicants were required to submit an oath or declaration in compliance with 37 CFR 1.497(a) and, in order to add Pamela Dunn as a joint inventor, to submit all of the requirements of 37 CFR 1.497(d).

### **DISCUSSION**

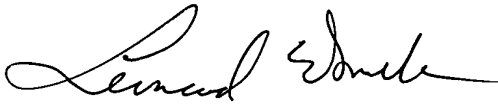
The instant papers state that "as a result of a clerical error, the Declaration filed on September 24, 2001, incorrectly identified Pamela Dunn as an inventor. The incorrectly prepared Declaration was mistakenly executed by Pamela Dunn, without deceptive intent, as she is properly an inventor in a number of related applications." Applicants have filed a declaration naming and executed by Messrs. Murdin, Oomen and Wang. Since applicants

have now filed an acceptable declaration executed by the inventors set forth in the international application, the petition under 37 CFR 1.497(d) is not necessary.

**CONCLUSION**

The papers filed under 37 CFR 1.48 (a) are **DISMISSED AS MOOT**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **28 May 2002**.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



George M. Dombroske  
PCT Legal Examiner  
PCT Legal Office  
Tel: (703) 308-6721  
Fax: (703) 308-6459